



Journal of the Senate

State of Indiana

115th General Assembly

First Regular Session

Twenty-ninth Meeting Day

Monday Afternoon

March 19, 2007

The Senate convened at 1:37 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Senator Robert N. Jackman.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Boots	Meeks
Bowser	Merritt
Bray	Miller
Breaux	Mishler
Broden	Mrvan
Deig	Nugent
Delph	Paul
Dillon	Riegsecker <input checked="" type="checkbox"/>
Drozda	Rogers
Errington	Simpson
Ford	Sipes
Gard	Skinner
Heinold	Smith
Hershman	Steele
Howard	Tallian
Hume <input checked="" type="checkbox"/>	Walker
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 264: present 47; excused 2. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: I hereby report that due to the death of Senator Anita Bowser on March 4, 2007, a vacancy was created in Senate District 8. Pursuant to my direction, Senator Bowser's name will remain on the Roll of Senators until such time as the process to name her successor is complete and the new Senator has taken the oath of office.

LONG

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: I hereby report that I have appointed Senator Becker to serve as Acting Chair of the Senate Committee on Commerce, Public Policy and Interstate Cooperation during the absence of Senator Riegsecker. As Acting Chair, Senator Becker shall have all authority granted to Committee Chairpersons pursuant to the Standing Rules and Orders of the Senate.

LONG

Report adopted.

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 13, 2007, signed Senate Enrolled Act 5.

DAVID C. LONG
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 15, 2007, signed Senate Enrolled Acts 10 and 212.

DAVID C. LONG
President Pro Tempore

RESOLUTIONS ON FIRST READING

Senate Resolution 19

Senate Resolution 19, introduced by Senator Paul:

A SENATE RESOLUTION honoring Shirley A. Wright-Small for her years of dedicated service to Randolph County.

Whereas, Shirley A. Wright-Small is one of the best known-names in Randolph County government and politics. She is a lifelong resident of Parker City, in western Randolph County, and a graduate of Parker High School and Indiana Business College;

Whereas, Shirley began her career in politics as a vice-committeeman in Parker City in the 1960's. Thereafter, she was elected vice-chairman of the Randolph County Republican Central Committee in 1974 and Randolph County Clerk in 1980;

Whereas, Shirley remained active in Republican organizational politics for over forty years. In 1991, she was elected vice-chairman of the Second District Republican Central Committee, befriending and assisting some of Indiana's most prominent Republicans;

Whereas, Shirley was elected Randolph County Republican Chairman in 2001, becoming the first woman to serve in that position. During her tenure, the Republican Party in Randolph County has made great strides in winning elected offices;

Whereas, Shirley continues to live in Parker City and enjoys spending time with her children and grandchildren. She remains active in the Parker City United Methodist Church, the Eastern Star, and the Lions Club. She has twice been honored with the Sagamore of the Wabash Award, presented to her by Governors Bowen and Orr; and

Whereas, Shirley A. Wright-Small's lifetime of dedicated service to Randolph County has earned her the admiration and respect of her peers. Future residents of Randolph County will find it a better place to call home because of her efforts: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. The Indiana State Senate honors Shirley A. Wright-Small for her years of dedicated service to Randolph County.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Shirley A. Wright-Small and her family.

The resolution was read in full and adopted by voice vote.

Senate Concurrent Resolution 48

Senate Concurrent Resolution 48, introduced by Senator Breaux:

A CONCURRENT RESOLUTION honoring Cathedral High School.

Whereas, The 13-2 Cathedral High School Fighting Irish captured the 2006 Indiana High School Athletic Association (IHSAA) Class 4A state football championship title for the sixth time in the school's history;

Whereas, The fifth ranked Irish defeated number one ranked and previously unbeaten Concord by a score of 38 to 14, on November 25, 2006, in the RCA Dome in Indianapolis;

Whereas, Always a football power, Cathedral holds the state record for victories with 612 wins, 242 losses, and 19 ties since instituting football in 1919;

Whereas, During the journey to the championship, the Cathedral Fighting Irish outscored its opponents 203 to 34 and defeated six Class 4A top 10 ranked teams: number one ranked Concord, number three ranked Plainfield, number four ranked Columbus East, number six ranked Whiteland, number eight ranked Roncalli, and number ten ranked Zionsville;

Whereas, The championship victory was truly a team effort with the defense controlling the tempo of the game by holding Concord's Minutemen's rushing attack to 17 yards on 20 carries, including six

sacks, totaling 34 negative yards for Concord;

Whereas, Aaron Rohrer and T. J. Stark helped the cause with two interceptions, and sophomore defensive end Kakpindi Jamiru led the charge with four sacks;

Whereas, The Cathedral offense contributed three unanswered touchdowns in the fourth quarter to secure the victory;

Whereas, The Irish posted 234 yards on the ground with William Stubbs rushing for 182 yards and two touchdowns, and quarterback Bobby Powers threw for 156 yards with three touchdown passes to Alex Koors, Jonathan Horn, and Brandon Jones;

Whereas, Vince Evans added eight points with a field goal and five points after touchdowns to the winning effort;

Whereas, Lead by team captains Mark Branigan, Alex Koors, Bobby Powers, Aaron Rohrer, Dan Rutigliano, T. J. Stark, and William Stubbs, Cathedral finished the season ranked second in the state in all classes and 28th in the nation;

Whereas, In addition to his contributions in the winning game, quarterback Bobby Powers was named the IHSAA Phil N. Eskew Mental Attitude Award Winner and the National Football Foundation's Scholar Athlete;

Whereas, William Stubbs, Alex Hoffman, and Kakpindi Jamiru were named to the AP 2006 All-State Team with Bobby Powers, Alex Koors, Glen Miller, Dan Rutigliano, Vince Evans, Cameron Koehne, Graham Powell, Max Davis, Dan Hess, Robert Maci, Michael Purol, Scott Hunt, T. J. Stark, and Aaron Rohrer being named as honorable mention;

Whereas, Alex Hoffman, Dan Rutigliano, William Stubbs, Kakpindi Jamiru, Cameron Koehne, and T. J. Stark were named to the 2006 All City First Team with Mark Branigan, Max Davis, Vince Evans, Dan Hess, Alex Koors, Glenn Miller, Graham Powell, Bobby Powers, and Aaron Rohrer being named as honorable mention;

Whereas, Alex Hoffman and William Stubbs were named to the Herald-Times Top 33 All-State Football Team and the Indiana Football Coaches Association's Region 7 All-Star Team, and the Indianapolis Star's 2006 Position Award for the Offensive Line went to Alex Hoffman;

Whereas, The Cathedral Irish team was superior on the football field, but also outstanding in the classroom with 80 percent of the team on the Honor Roll during the fall semester, and seniors Mark Branigan, Andrew Hemmerlein, Dan Hess, Alex Hoffman, Brandon Jones, Alex Koors, Brent Lee, Brian Loiselle, Glen Miller, Bobby Powers, Michael Purol, Dan Rutigliano, and T. J. Stark were named to the Academic All-State Team;

Whereas, Varsity Head Coach Jim O'Hara was named City Coach of the Year and Indianapolis Colts Coach of the Week; and

Whereas, Excellence in any endeavor deserves special recognition: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates the Cathedral High School Fighting Irish on its Class 4A football championship and wishes the team continued success in all future endeavors.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to all team members, Head Coach Jim O'Hara, Offensive Coordinator Mic Roessler, Defensive Coordinator Terry Taphorn, Coaches Tim Barthel, Bill Smith, Chris Kaufman, Darvell Huffman, Greg Boysaw, Makoa Freitas, Darrick Brownlow, Mike Prior, Mark Nash, Howard Fogel, Ron Rohrer, Frank Countryman, Lou Jorczak, Seth Lee, Matt Cole, and Adam Barth, President Steve Helmich, Principal Dave Worland, Athletic Director Terry Fox, Assistant Athletic Director Jennifer Jacoby, Administrative Assistant Maureen Sullivan, AD Athletic Trainer Mike Hunker, Team Physician Dr. Peter I. Sallay, Team Chaplain Father William Munshower, Bagpiper Doug Hardwick, Scouts Scott Alerding, Tom Alerding, and Mike Alerding, Jr., Drivers Ken Kaufman and Greg Bamrick, Videomen Michael P. Alerding and Tom Godby, and Statisticians David George, Scott Stippich, and Anthony Ernst.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Dickinson.

Senate Concurrent Resolution 64

Senate Concurrent Resolution 64, introduced by Senator Becker:

A CONCURRENT RESOLUTION memorializing Rachel McGeever.

Whereas, Rachel McGeever was born December 27, 1940, and died January 17, 2007, at the age of 66;

Whereas, Rachel was one of four children born to Catherine and William J. Maloney;

Whereas, Rachel graduated from Mount Mercy Academy, a Pittsburgh girls' high school operated by the Sisters of Mercy, and joined that religious order in 1958;

Whereas, After receiving her Bachelor of Arts at Carlow College, Rachel taught at Cathedral High School in Pittsburgh and Conestoga High School near Philadelphia;

Whereas, Rachel left the religious life in 1969 and continued her graduate studies at the University of Pennsylvania where she met Patrick McGeever, her future husband;

Whereas, Rachel and Patrick were married in 1970 and moved to Indianapolis in 1971;

Whereas, Rachel finished her law degree at Indiana University in 1984;

Whereas, Rachel and Patrick had three children - Kathleen, Timothy, and Brendan;

Whereas, Rachel was the proud grandmother of three adored grandchildren - Evan, Harry, and Felix;

Whereas, Rachel enjoyed a very successful career, holding positions at the Indiana General Assembly's Legislative Services Agency, the Indiana Bar Foundation, the Indiana Ethics Commission, and the Family and Social Services Agency;

Whereas, Rachel's service to the General Assembly was characterized by absolute dedication to the crafting of laws that would serve all citizens fairly and bring honor to the legislative process;

Whereas, Although Rachel's career was very important to her, she was much more focused on the people she met;

Whereas, Rachel's primary duty in life was to encourage and support those around her;

Whereas, Rachel was always ready with a helping hand or a kind word whenever it was needed;

Whereas, Rachel touched the lives of many people, and each of them thought of her as a friend who could be counted upon in good and bad times alike; and

Whereas, Rachel's long and devoted service to family and community are well known, and the memories of her kindness and caring will endure forever: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly expresses its heartfelt sympathy to the family of Rachel McGeever. Rachel touched the hearts of many members of our legislative family in a kind and wonderful way as only she could. Rachel changed the world for the better simply by being here.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to the family of Rachel McGeever - husband, Pat, daughter Kathleen, and sons Timothy and Brendan.

The resolution was read in full and adopted by standing vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative C. Brown.

Senate Resolution 20

Senate Resolution 20, introduced by Senator Kruse and R. Young:

A SENATE RESOLUTION recognizing water as the official

beverage of Indiana.

Whereas, Water makes life possible;

Whereas, Water is the single most vital resource in the world;

Whereas, Our water quality is quite fragile and the responsibility lies with us to protect and restore our precious water resources;

Whereas, Clean water is important to retain the environmental integrity and economic and aesthetic values of Indiana lakes, streams, wetlands, and ground water;

Whereas, Water plays a critical role in securing a healthy and vibrant Indiana society, and clean water must be available for all Hoosiers to enjoy;

Whereas, Water is a vital part of our daily lives and the basic element for a prosperous community;

Whereas, The Clean Water Indiana program is essential for the health of Hoosier citizens;

Whereas, Water is significant in maintaining the wealth of recreational opportunities and natural areas rich in wildlife habitats;

Whereas, Protecting our water resources and improving our quality of life is essential for future generations; and

Whereas, The quality of water we consume should be of the utmost importance to every Hoosier: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate declares water to be the official beverage of the Hoosier state.

SECTION 2. That the Secretary of the Senate transmit copies of this resolution to Governor Mitch Daniels and Lieutenant Governor Becky Skillman.

The resolution was read in full and adopted by voice vote.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Concurrent Resolution 55, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 10, Nays 0.

WYSS, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 30

House Concurrent Resolution 30, sponsored by Senators Lubbers, Howard, and Wyss:

A CONCURRENT RESOLUTION recognizing the 500 Festival on the occasion of the 50th anniversary of its founding.

Whereas, The 500 Festival is marking its 50th anniversary with the unveiling of an exhibit at the Indianapolis Motor Speedway Hall of Fame Museum that is a historical look back at the festival's first 50 years;

Whereas, Established in 1957 by four men, the 500 Festival originally consisted of a parade, a square dance, and a gala ball the night before the Indianapolis 500 Mile Race;

Whereas, The mission of the 500 Festival, which has not changed throughout its 50 year existence, is "to produce events and programs that celebrate the success of the Indianapolis 500 Mile Race and enhance the quality of life for the citizens of Indiana and their guests";

Whereas, Today the 500 Festival plans and organizes the Mini-Marathon, the 5K Run, the 500 Festival Kids' Day and Rookie Run, the Princess Program, the Mayors Breakfast, Community Day, the 500 Festival and Indianapolis 500 Education Program, the 500 Festival Memorial Service, and the 500 Festival Parade, making it one of the largest festivals in the nation;

Whereas, The Indianapolis 500 Mile Race stands alone in the world of sporting events; no other single sporting event has a legacy like it;

Whereas, The Indianapolis 500 Mile Race has played an enormous part in shaping and defining Indianapolis, the state of Indiana, and its citizens; and

Whereas, The thousands of Hoosiers and visitors to our state who participate in 500 Festival activities each May are celebrating the legacy of the world's greatest spectacle in racing and the festival that has grown up around it: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly recognizes the contributions made by the 500 Festival to the economy of our state, the health of our citizens, and the hours of pleasure and entertainment Hoosiers and visitors to our state have enjoyed over the past 50 years.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Kirk Hendrix, 500 Festival president and CEO.

The resolution was read in full and adopted by voice vote. The

Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 33

House Concurrent Resolution 33, sponsored by Senator Lawson:

A CONCURRENT RESOLUTION honoring Dr. John McKinney.

Whereas, Dr. John McKinney has been named the 2007 State Superintendent of the Year by the Indiana Association of Public School Superintendents (IAPSS);

Whereas, As the 2007 State Superintendent of the Year, Dr. McKinney becomes Indiana's nominee for the American Association of School Administrators' (AASA) National Superintendent of the Year Award;

Whereas, Dr. John McKinney, superintendent of the Danville Community School Corporation, was selected from a group of eight other superintendents;

Whereas, Before coming to Danville Community School Corporation in 1994, Dr. McKinney served as superintendent of Zionsville and Cloverdale schools;

Whereas, In addition to his duties at Danville Community School Corporation, Dr. McKinney serves on the state superintendents' advisory committee and the election committee for the Indiana Association of Public School Superintendents, is president of the Indiana Coalition of Quality Schools, and is a member of the Indiana chapter of the governing board of St. Joseph School for the Deaf;

Whereas, Dr. McKinney is active in his community, serving as president of the Rotary Club and the FFA Foundation and as a member of the Hendricks County Planning Committee and the county Cooperative Extension Advisory Board;

Whereas, Dr. McKinney has committed his professional life to educating all students in an atmosphere that will enable them to graduate and ensure that they are capable of entering the workforce or continuing their education in an institution of higher learning and becoming a vital part of their community; and

Whereas, Dr. John McKinney helps to provide a strong and effective public school system in Indiana: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates Dr. John McKinney on his selection as the 2007 State Superintendent of the Year and thanks him for his work with young Hoosiers to help ensure a brighter future for the next generation of Indiana citizens.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Dr. John McKinney and his family.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 32

House Concurrent Resolution 32, sponsored by Senators Ford and Kenley:

A CONCURRENT RESOLUTION memorializing Josh McCormick.

Whereas, Josh McCormick, a freshman at Madison-Grant High School, collapsed during an early morning basketball practice on a December morning in 2006;

Whereas, The quick actions of freshman coach Mike Small and a custodian kept Josh McCormick alive by administering CPR until paramedics arrived and used a defibrillator that was kept courtside;

Whereas, Unfortunately, Josh passed away later at St. Vincent Hospital in Indianapolis;

Whereas, John and Jennifer McCormick began a fundraising effort to help purchase automatic electronic defibrillators (AEDs) for Grant County schools;

Whereas, An AED is a device that can restore a normal heartbeat in an individual who has experienced sudden cardiac arrest;

Whereas, The effort of the McCormicks came to the attention of Marion General Hospital;

Whereas, The hospital agreed to purchase an AED for every educational building in the Grant County school system;

Whereas, In an emergency every second counts, and the availability of an AED adds valuable seconds when a life is at stake; and

Whereas, The availability of AEDs in every school building throughout the state will add an extra measure of assurance to parents that their children are in a safe and secure environment when they are in Hoosier schools: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly wishes to express its deepest sympathy to the family of Josh McCormick and to urge all school corporations to obtain defibrillators to help

prevent this type of tragedy from happening again.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to John and Jennifer McCormick, the principal of Madison-Grant High School, and the administrator of Marion General Hospital.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Economic Development and Technology, to which was referred Engrossed House Bill 1424, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

FORD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Economic Development and Technology, to which was referred Engrossed House Bill 1461, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass and be reassigned to the Senate Committee on Tax and Fiscal Policy.

Committee Vote: Yeas 9, Nays 0.

FORD, Chair

Report adopted.

ENGROSSED HOUSE BILLS ON SECOND READING

Engrossed House Bill 1033

Senator Becker called up Engrossed House Bill 1033 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1210

Senator Bray called up Engrossed House Bill 1210 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1210-1)

Madam President: I move that Engrossed House Bill 1210 be amended to read as follows:

Page 1, line 16, delete "(f)".

Page 1, line 16, strike "There is annually appropriated to the attorney general from".

Page 1, line 17, strike "the homeowner protection unit account".

Page 1, line 17, delete "an amount".

Page 1, line 17, strike "sufficient".

Page 2, line 1, delete "to carry".

Page 2, line 1, strike "out the purposes of this chapter and IC 24- 9".

(Reference is to EHB 1210 as printed March 16, 2007.)

BRAY

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1211

Senator Boots called up Engrossed House Bill 1211 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1211-1)

Madam President: I move that Engrossed House Bill 1211 be amended to read as follows:

Page 5, line 33, strike "August 15 in the year in".

Page 5, line 34, strike "which the property is to be sold under this chapter." and insert "**forty-five (45) days after the county auditor receives the certified list from the county treasurer under section 1(a) of this chapter.**".

(Reference is to EHB 1211 as printed March 13, 2007.)

BOOTS

Motion prevailed.

SENATE MOTION (Amendment 1211-2)

Madam President: I move that Engrossed House Bill 1211 be amended to read as follows:

Page 8, after line 21, begin a new paragraph and insert: "SECTION 5. IC 6-1.1-24-6 AS AMENDED BY P.L. 169-2006, SECTION 23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec.6. (a) When a tract or an item of real property is offered for sale under this chapter and an amount is not received equal to or in excess of the minimum sale price prescribed in section 5(e) of this chapter, the county executive acquires a lien in the amount of the minimum sale price. This lien attaches on the day after the last date on which the tract or item was offered for sale.

(b) When a county executive acquires a lien under this section, the county auditor shall issue a tax sale certificate to the county executive in the manner provided in section 9 of this chapter. The county auditor shall date the certificate the day that the county executive acquires the lien. When a county executive acquires a certificate under this section, the county executive has the same rights as a purchaser.

(c) When a lien is acquired by a county executive under this section, no money shall be paid by the county executive. However, each of the taxing units having an interest in the taxes on the tract shall be charged with the full amount of all delinquent taxes due them.

(d) This section shall apply to any tract or an item of real property offered for sale under this chapter in 2006, and an amount was not received equal to or in excess of the minimum sale price prescribed in section 5(e) of this chapter, if the county executive finds that the tract or item of real property meets the definition of a brownfield as set forth in IC 13-11-2-19.3."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1211 as printed March 13, 2007.)

BRODEN

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1214

Senator Bray called up Engrossed House Bill 1214 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1242

Senator Miller called up Engrossed House Bill 1242 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1266

Senator Lubbers called up Engrossed House Bill 1266 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1300

Senator Lubbers called up Engrossed House Bill 1300 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1335

Senator Landske called up Engrossed House Bill 1335 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1426

Senator Ford called up Engrossed House Bill 1426 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1426-2)

Madam President: I move that Engrossed House Bill 1426 be amended to read as follows:

Page 3, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 2. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 6-3.1-13-23; IC 6-3.1-26-24."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1426 as printed March 13, 2007.)

FORD

Motion prevailed.

SENATE MOTION
(Amendment 1426-1)

Madam President: I move that Engrossed House Bill 1426 be amended to read as follows:

Page 1, line 1, delete "IC 5-28-28" and insert "IC 5-28-28.2".

Page 1, line 4, delete "28." and insert "28.2".

Page 1, between lines 8 and 9, begin a new paragraph and insert:

"Sec. 2. As used in this chapter, "corporation" refers to the Indiana economic development corporation."

Page 1, line 9, delete "2." and insert "3."

Page 1, line 11, delete "3." and insert "4."

Page 1, between lines 14 and 15, begin a new paragraph and insert:

"Sec. 5. As used in this chapter, "refund obligation" refers to an obligation of a recipient to refund tax credits, loans, or grants reclaimed by the corporation under section 11 of this chapter.

Sec. 6. As used in this chapter, "refund proceeding" refers to a proceeding in which the corporation seeks a refund of tax credits, loans, or grants reclaimed by the corporation under section 11 of this chapter."

Page 1, line 15, delete "4." and insert "7."

Page 1, line 17, delete "5." and insert "8."

Page 2, line 9, delete "6." and insert "9."

Page 2, line 9, delete "Indiana economic"

Page 2, line 10, delete "development"

Page 2, line 17, delete "Indiana economic development"

Page 2, line 21, delete "Indiana economic development"

Page 2, line 25, delete "7." and insert "10."

Page 2, line 26, delete "6" and insert "9"

Page 2, line 40, delete "Indiana economic development"

Page 3, line 8, delete "8." and insert "11."

Page 3, line 8, delete "If" and insert "Subject to section 12 of this chapter, if"

Page 3, line 9, delete "6" and insert "9"

Page 3, line 12, delete "shall" and insert "may"

Page 3, delete lines 13 through 14.

Page 3, line 15, delete "shall"

Page 3, run in lines 12 through 15.

Page 3, between lines 16 and 17, begin a new paragraph and insert:

"Sec. 12. When the corporation considers whether to initiate a refund proceeding, the corporation shall make a finding whether there was good cause for the noncompliance referred to in section 11 of this chapter. If the finding is in the affirmative, the corporation may not initiate the refund proceeding. Except as provided in section 13 of this chapter, if the finding is in the negative, the corporation shall initiate the refund proceeding.

Sec. 13. Except as provided in section 14 of this chapter, if the finding under section 12 of this chapter is in the negative, the corporation may not initiate the refund proceeding if the resultant refund obligation is likely to jeopardize the recipient's continuing existence or operation, or both.

Sec. 14. Section 13 of this chapter does not apply if the corporation finds that the noncompliance referred to in section 11 of this chapter was fraudulent.

Sec. 15. A refund obligation is considered an unsecured debt of the recipient for purposes of the following:

(1) A bankruptcy proceeding of the recipient.

(2) A proceeding for collection from the recipient."

(Reference is to HB 1426 as printed March 13, 2007.)

WALTZ

Upon request of Senator Waltz the President ordered the roll of the Senate to be called. Roll Call 265: yeas 6, nays 40.

Motion failed. The bill was ordered engrossed.

Engrossed House Bill 1428

Senator Lubbers called up Engrossed House Bill 1428 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1434

Senator Landske called up Engrossed House Bill 1434 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1509

Senator Becker called up Engrossed House Bill 1509 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1555

Senator Bray called up Engrossed House Bill 1555 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1663

Senator Miller called up Engrossed House Bill 1663 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1663-1)

Madam President: I move that Engrossed House Bill 1663 be amended to read as follows:

Page 8, line 20, delete "(a)".

Page 8, delete lines 27 through 42.

(Reference is to EHB 1663 as printed March 16, 2007.)

MILLER

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1693

Senator Kenley called up Engrossed House Bill 1693 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1084

Senator Landske called up Engrossed House Bill 1084 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 266: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Senator Hume, who had been excused, was present.

Engrossed House Bill 1145

Senator Bray called up Engrossed House Bill 1145 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 267: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1146

Senator Jackman called up Engrossed House Bill 1146 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 268: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1281

Senator Heinold called up Engrossed House Bill 1281 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 269: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1291

Senator Bray called up Engrossed House Bill 1291 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 270: yeas 45, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1299

Senator Jackman called up Engrossed House Bill 1299 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 271: yeas 46, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1338

Senator Lawson called up Engrossed House Bill 1338 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 272: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1357

Senator Wyss called up Engrossed House Bill 1357 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 273: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1427

Senator Wyss called up Engrossed House Bill 1427 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 274: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act?

There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1508

Senator Zakas called up Engrossed House Bill 1508 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning probate.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 275: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1653

Senator Rogers called up Engrossed House Bill 1653 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 276: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 31

House Concurrent Resolution 31, sponsored by Senator Delph:

A CONCURRENT RESOLUTION recognizing Richard Hall and Robert Gregory.

Whereas, Richard Hall and Robert Gregory founded Ace Mortgage Funding, Inc. in 1998 to focus on the debt consolidation side of the mortgage industry;

Whereas, Due to the expertise of Richard Hall and Robert Gregory, Ace Mortgage Funding, Inc. has continued to grow in a market where the popularity of mortgage refinancing has declined;

Whereas, Ace Mortgage Funding, Inc. consistently appears on Indiana Business Journal's list of the Indianapolis area's fastest growing private companies;

Whereas, Ace Mortgage Funding, Inc. enjoyed a 197% increase in revenue between 2002 to 2004;

Whereas, During that same period, the number of employees of Ace Mortgage Funding, Inc. increased from 250 to 600;

Whereas, Ace Mortgage Funding, Inc. has offices in Indiana, Arizona, Colorado, Florida, Minnesota, Missouri, Ohio, and Tennessee;

Whereas, Robert Gregory and Richard Hall were named the 2005 Ernst & Young Entrepreneur of the Year in the Financial Services category for Indiana; and

Whereas, Robert Gregory, Richard Hall, and Ace Mortgage Funding, Inc. continue to support the Indianapolis area and its citizens by providing reliable financing: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly recognizes the accomplishments of Robert Gregory and Richard Hall and wishes them continued success in their business and personal lives.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Richard Hall and Robert Gregory.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 30, 31, 32, and 33 and the same are herewith transmitted for further action.

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 48 and the same is herewith returned to the Senate.

CLINTON MCKAY
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senator Drozda be added as cosponsor of Engrossed House Bill 1291.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hershman be added as cosponsor of Engrossed House Bill 1281.

HEINOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be added as cosponsor of Engrossed House Bill 1426.

FORD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Sipes be added as cosponsor of Engrossed House Bill 1428.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be added as cosponsor of Engrossed House Bill 1306.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be added as cosponsor of Engrossed House Bill 1811.

FORD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be added as cosponsor of Engrossed House Bill 1300.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lewis be added as cosponsor of Engrossed House Bill 1214.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kenley be added as second author of Senate Concurrent Resolution 48.

BREAUX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be added as cosponsor of Engrossed House Bill 1461.

FORD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Weatherwax be removed as second sponsor of Engrossed House Bill 1656.

WEATHERWAX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Sipes be removed as sponsor of Engrossed House Bill 1656 and that Senator Weatherwax be substituted therefor.

SIPES

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Sipes be added as second sponsor of Engrossed House Bill 1656.

WEATHERWAX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Deig be added as cosponsor of Engrossed House Bill 1774.

RIEGSECKER

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, March 20, 2007.

LONG

Motion prevailed.

The Senate adjourned at 3:51 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate